

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6966

BILL NUMBER: SB 266

DATE PREPARED: Dec 18, 1998

BILL AMENDED:

SUBJECT: Increased penalty for fleeing law enforcement.

FISCAL ANALYST: Mark Bucherl

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes the offense of fleeing from a law enforcement officer a Class D felony instead of a Class A misdemeanor. It also enhances the offense as follows: (1) From a Class D felony to a Class C felony if the defendant draws or uses a deadly weapon, inflicts bodily injury on another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person. (2) From a Class C felony to a Class B felony if, while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person. (3) From a Class B felony to a Class A felony if, while committing the offense, the person operates a vehicle in a manner that causes the death of another person.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill increases a Class A misdemeanor penalty to a Class D felony as well as enhancing penalties among Class A, B and C felonies. State expenditures could increase for felony enhancements and offenders incarcerated in prisons rather than in local jails. The following felonies and average terms as described in this bill.

<u>Felony</u>	<u>Prison Term</u>	<u>Avg Time Served</u>
Class A	20 to 50 years	7 yrs., 4 mos.
Class B	6 to 20 years	3 yrs., 4 mos.
Class C	2 to 8 years	1 yr., 7 mos.
Class D	6 mos. to 3 years	8.5 mos.

Periods of incarceration depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately

\$1,825 annually or \$5 daily.

Explanation of State Revenues: More revenue to the Common School Fund could be collected larger criminal fines assessed by sentencing courts. The maximum fine for a Class A misdemeanor is \$5,000 while the maximum fine for all felonies is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.